

The Environmental Determinants of Legislative Structure: A Comparison of the US House of Representatives and the European Parliament

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ABSTRACT

This paper highlights some significant and largely unexpected or unappreciated similarities between the broad political environment of the United States of America and the EU in terms of three critical characteristics of their institutional structures. In both cases there is a functional separation of powers system, institutional independence and effectively federal dispersion of political power. In addition both house comparatively decentralized political party systems. Three propositions regarding the impact of this general political environment on the internal character of the legislature are then developed highlighting in particular the existence of effective legislative power, strong committees and frequent recourse to bi-partisan or variable coalition strategies. These propositions are then tested in both the EU and American cases. Although a definitive causal relationship between the environmental political structures and the internal legislative characteristics is not possible, the evidence provided here suggests more than simple correlation and suggests a need to move beyond general categorizations of political systems if we wish to engage in fruitful comparisons between diverse political systems.

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The European Union (EU) has often been referred to as an emerging "United States of Europe," sometimes in jest, sometimes in earnest and sometimes in fear. To what extent do the institutions and broad organization structures of the EU truly mirror those of the USA? In particular, what, if any, are the similarities between the legislatures of the two political systems in terms of both the broad political environment in which they exist and their own respective roles within that environment? The US Congress is frequently cited as the most influential democratic legislature in existence (Lijphart, 1999; Davidson and Oleszek, 1998) while the European Parliament is often begrudged even its status as a functioning parliament (Westlake, 1994; McCormick, 1999), and yet, a careful comparison of these two very different legislatures reveals some unexpected similarities.

In terms of its internal organization, voting patterns and inter-institutional role the European Parliament resembles the American House of Representatives as much or more than its national European counterparts. An examination of these similarities, as well as the differences, between the two institutions can help increase our understanding of the impact that exogenous institutional structures have in shaping the character of legislatures. In fact, in this paper I argue that to a certain extent the broader institutional and environmental realities of the EU have insured that it would develop a legislature that in many ways resembles the American Congress. Two of the key elements of this similarity are the existence of a strong bicameral system that includes the Council of Ministers as well as the EP and a weakly centralized party system with effective authority dispersed between the national and supranational levels. These aspects of the EU political structure are often overlooked or misunderstood. When these specific aspects of the EU political system are combined with similarities in the general political structures of the two systems (including a separation of powers system, legislative/executive independence and basically federal structures), they help to explain the causes of many of the similarities between the two legislatures.

While there remain many significant similarities between the EP and the parliaments of the EU Member States, to an increasing extent these characteristics, in conjunction with its expanding role in the policy-making process have helped to create a European Parliament that increasingly resembles the American House of Representatives. The goal of this paper is to explore the causal relationships between the broad political and institutional environment and the internal structural organization of legislatures through a comparison of the US House of Representatives and the EP.

The paper is organized into four sections. To begin with I explore the relationship between the general institutional environment (including the constraints and incentives that this may provide) and the internal organization and legislative role of a legislature. This discussion focuses on three primary exogenous institutional features often equated with the US political system: *separation of powers*, the often-related *independence of the executive* and *federalism*. These concepts are defined and their expected impact discussed in terms of their influence on three aspects of the legislative branch; its relative *legislative influence*, *internal organization* (via committees) and *member voting patterns*. Directly tied to all of these discussions is the role of political parties, both within the legislature and within the broader political system. This discussion generates three key propositions about patterns in the relationship between external and internal institutional characteristics.

In the second section I describe and compare the political environment in which the EP and the House of Representatives function, focusing primarily on the three primary external variables discussed above. This discussion helps to demonstrate the extent to which the

general exogenous institutional environments of the two legislatures are indeed broadly similar. In the following section I examine the question of whether the existence of these environmental factors has led to the type of legislature in the European Union predicted by the propositions discussed in the first section. The final section concludes with an evaluation of the ability of the general environmental factors to explain the internal character of a legislature, and other aspects of this relationship that merit further analysis.

Environmental Determinants of Legislative Character

Legislatures are not static institutions. They evolve and develop internally in reaction to their broader political environment. A legislature is only one part of the political system as a whole and its role is defined in terms of the other institutions. Democratic political systems are usually divided into two broad categories (with a potential for a third intermediary). In most of Western Europe (and elsewhere) we find parliamentary systems while in the USA and much of Latin America we find presidential systems. The intermediary case of semi-presidentialism is found most clearly in France (V Republic) but more questionable versions can also be found in Poland, Finland and elsewhere (Sartori, 1997, Shugart and Carey, 1993). As Tsebelis notes, the two terms seem to be misnomers since in presidential systems legislatures tend to be more influential and in parliamentary systems it is the executive that most often controls the legislative process (2002: 3). This relative balance of power is based in large measure on the extent to which the institutions, and in particular the legislatures are independent and are repositories of real and distinct policy making powers (i.e. a functioning separation of powers system).

It is precisely these two aspects of the American system, enshrined in the constitution and debated in the original Federalist Papers, that most distinguish it from its European cousins. Flowing from these fundamental tenets of American democracy, in combination with federalism, are the key structural differences that separate the American and European systems. The resulting "American exceptionalism" in the arena of political institutions has caused many to overlook the fundamental importance of these "environmental" variables in determining the character of the legislature. By examining these terms more closely it is possible to make predictions about their impact on the internal development and functioning of a legislature. In doing so I will demonstrate not only that in many ways the EP resembles the US House of Representatives more than any of the European Member State legislatures, but also explain *why this is to be expected* given the institutional realities of the EU as a whole.

The Definitions

To begin with it is necessary that we define the concepts separation of powers, institutional independence, and federalism. This last, although not unique to America or Presidential systems (viz. Germany, Belgium and Switzerland), has a significant impact on the system as a whole and the nature of the legislature in particular. As a result it too must be incorporated into the general model. After we have adequately defined these terms we can begin to hypothesize about their impact on the political system as a whole and the legislature in particular.

The *separation of powers* is a primary tenet of American democracy, established to protect against tyranny of any one person or institution. This crucial aspect of the American system is not formally mentioned in the Constitution, but is discussed directly and indirectly in

a number of the Federalist Papers. In the Federalist No. 47 Madison (frequently citing Montesquieu) notes that “the preservation of liberty requires that the three great departments of power should be separate and distinct.” However he also states that this does “not mean that these departments ought to have no partial agency in, or control over, the acts of each other.” In effect, Madison stipulates that a democratic separation of powers also requires to a certain extent a co-mingling of powers in all three arenas (executive, legislative and judicial). Based on this we can then define the separation of powers as the dispersion of the executive, legislative and judicial powers among different agents, but without any of them obtaining full independent control over their particular jurisdiction.

It should also be noted that built in to this concern over the division of powers between branches was the added desire to disperse power within the legislative branch. Although clearly not the sole reason, it did factor into the debate over the establishment of a second chamber. The Senate was seen not only as an opportunity to represent the state governments and protect their rights, but also as an additional check on legislative power given the “additional impediment it must prove against improper acts of legislation. No law or resolution can now be passed without the concurrence, first, of a majority of the people, and then, of a majority of the States” (Federalist 63). As we shall see this logic holds sway in the European Union as well.¹

Executive and legislative *independence* is connected to the fundamental concept of the separation of powers. Institutional independence can be understood as the inability of the various different actors/institutions to unilaterally appoint or dismiss the others for political or ideological motives. This restriction protects the independence of all and insures that the aforementioned separation of powers is fully functional and not merely legal rhetoric. Independence, like separation of powers also requires that the actors within each branch of government be wholly distinct without the possibility of joint appointment. It also requires that decisions over appointments and dismissals in one branch that are not made by the people must not be surrendered to the unilateral action of any of the branches of government. Thus the executive nominates and the Senate approves, and impeachment of the executive requires the participation of both houses of the legislature.

An important aspect of independence that is often over looked because it is not structural is the role of political parties. It is crucial for the true independence of the respective bodies that external agents (party leadership) not have functional control over their selection. If the directly and independently elected executive is also leader of a national party and/or their national party is able to determine the future electoral or political fortunes of members of the legislature *through the party apparatus*, then, even though there is no formal institutional interdependency there is a functional one. Thus, to be truly independent members of the two branches must be functionally as well as structurally or formally independent. In particular, this means that members of the legislature must not be consistently required by external party constraints to “vote the party line” or support the position of the executive within the legislature.

Federalism is the division of power between the central government and the sub-units (states, länder, cantons etc). Democratic federalism requires that the powers allocated to each level be formally stipulated and in general allocates significant powers to the center (differentiating it from confederalism). The consent of (usually a qualified majority) of the sub-units is required to change this balance. Implementation of a federal system guarantees representation both on the basis of numerical population and individual state (sub-unit)

identity. Federalism, however, does not just insure adequate representation to individuals and groups; it also serves to further constrain the executive, legislature and judiciary. Federalism can assist in protecting against the hegemony of any of the primary political institutions by adding an additional layer to the governing structure. This additional set of actors insures that “a double security arises to the rights of the people” (Madison or Hamilton, Federalist 51) further protecting citizens against the potential tyranny of any one branch of government gaining too much power. Thus federalism serves the double purposes of promoting group representation and protecting against the tyranny of any part of the central government by adding an additional potential actor.

Understanding what is meant by each of these terms, our next task is to determine the effect that their existence within a given political system is likely to have on the character of the legislature within that system, including not only its legislative influence, but also internal organization and character. Given our goal of comparing the EP to the House of Representatives it will be useful to focus in particular on those aspects of the Congress that most clearly differentiate it from other legislatures, and in particular from the parliaments of Western Europe.

The Variables

First and foremost is the **legislative power** and influence of the Congress. It is generally described as the most powerful democratic legislature in the world in terms of its impact on legislative outcomes. Through its formal control over the initiation, amendment and passage of all legislation as well as the ability to override the executive’s veto the Congress *if unified* can effectively control the legislative process.² However a lack of agreement between the two chambers allows the executive greater influence at best and stymies the entire process at worst.

One of the most effective tools of the Congress in the processing of legislation has been its **committee structure**. The committees of the US Congress, like the institution itself are without parallel in modern democratic society (Shaw, 1979; Loewenburt and Patterson, 1979). Strong, efficient committees are functionally required by the tremendous workload of the Congress. Without their development Congress would not have been able to tackle the legislative agenda that has increased so dramatically since the 19th century. Among other things, the committees also provide the Congress with an independent source of expertise that insures it will not have to rely on the executive or external actors for information, thus adding to its ability to assert truly independent influence over legislative outcomes.³

A third aspect of Congressional politics that tends to differentiate it from its parliamentary cousins is the frequency of **bipartisan voting** and the comparative weakness of the ideological left-right divide. Despite certain recent periods of high levels of ideological conflict the general tendency is a relatively high level of bi-partisan cooperation in the sponsoring and passing of moderate legislation. The apparent absence of strict party discipline has been contested (Cox and McCubbins, 1993), but the reality remains that rigid party voting is far less present in Congress than is the norm in parliamentary democracies.

Directly linked to all three of these aspects is the role of political parties. Where political parties can effectively control the electoral futures of their members, power is usurped from the legislature and devolved to the party organization. Even where the legislature formally has legislative power, if party elites are the true source of policy decisions, the role of the legislature is transformed to little more than a rubber stamp. This may occur even in

separation of powers systems, particularly where the executive is functionally also the leader of a major party. Dispersal of political party power (between branches, levels of government, i.e. state and federal) and the absence of significant direct control over the future careers of members of the legislature (electoral lists, campaign funds) are a necessary prerequisites to real policy-making influence, truly independent committees and the potential for inter-party and bipartisan coalitions.

The Propositions

All of these aspects of the American political system and the US Congress are well known and in many ways are almost definitional of the institution itself. The task for us here is to determine if there is a link between these well-known characteristics of the Congress and the broader institutional environment in which exists. If separation of powers, institutional independence, federalism and decentralized political parties can be causally linked to the legislative influence of the Congress, its strong committees and the elevated rate of bipartisan compromise legislative outcomes then we can examine the extent to which these same causal agents exist in the EU and determine the degree to which they have led to similar results in terms of the role and internal organization and behavior of the European Parliament.

The separation of powers system, as was noted above, requires that power is distributed among actors, and in particular that legislative decision-making is a collaborative effort between the executive and legislative branches with the judicial branch in the role of constitutional watchdog. This separation of powers thus implies by its very nature that the legislature will have a real role to play in the policy process beyond serving as a chamber of debate or worse still, a rubber stamp. To be an effective and not just nominal separation of powers system the members of the legislature must also be largely free from direct coercive influence by their party leadership. Parliamentary systems, which fuse the executive and the legislative branches by creating one as a subset of the other, fail to insure this role for their parliaments and generally tend to increase not diffuse the influence of parties. This is not to imply that all legislatures in parliamentary systems are rubber stamp institutions, but the supremacy of the executive in the legislative process is quite clear (Loewenberg and Patterson, 1979; Von Beyme, 1987; Laundry, 1989). In most parliamentary systems executive (government) legislation is successful at least 80% of the time on average (Valentine, 1976; Loewenberg and Patterson, 1979: 61; Inter-parliamentary Union, 1986).⁴ Thus in a general way we can expect that:

Proposition 1: Legislatures in *true* separation of powers systems will be able to significantly impact policy outcomes (i.e. will be more than chambers of debate or rubber stamps for executive policy initiatives).

To effectively implement its powers any legislature must have effective internal organizational structures able to manage the workload as well as access to independent sources of information and expertise to permit informed and unbiased decision-making. These tasks are generally achieved through the committee system of the legislature. The strength of the committee system, in terms of the staff and financial resources available, the permanence of the committees, and their primacy in the legislative process is usually a good indicator of the relative institutionalization and policy-making role of the legislature as a whole (Loewenberg and Patterson, 1979: 23, 160; Olson, 1994; Longley and Davidson, 1998). Thus it is no surprise that in parliaments such as the British House of Commons, which serves primarily as

a chamber of debate, legislative committees are temporary, do not mirror the executive ministries and generally examine legislation only after it has been fully vetted on the floor.⁵ By contrast, in the US Congress committees are possessed of a wealth of staff resources, closely mirror the organization of the cabinet and generally review and amend legislative proposals *before* they are sent to the full floor for debate. This leads us to our second proposition: **Proposition 2:** Legislatures that have significant influence over the policy-making process will have a strong committee system. Generally this will include a well defined, permanent committee structure that mirrors the executive ministries and has access to substantial resources promoting independent sources of information and expertise.

The independence of the executive in a separation of powers system signifies that the legislature does not have the power to dismiss the president except in extreme cases of criminal behavior. This constrains the legislature in that it cannot rid itself of a president with which it disagrees politically, but it also frees the members of the legislature from the responsibility of having to maintain a consistent majority to support the executive. Unlike parliamentary systems in which the executive requires the (implicit or explicit) "confidence" of the parliament at all times, separation of powers systems allow the parties within the legislature to freely form coalitions on a vote-by-vote basis. This once again assumes that members are also free from undue coercion by the party elite.

The freedom to vote across party lines is made more significant by the existence of regional interests that cut across partisan ideologies (e.g. agricultural versus industrial interests). The pressure towards bi-partisan voting is increased still further when regional variations exist within the context of a formally federal system, which generally leads to a bicameral legislature. Bicameralism, in conjunction with a separation of powers system can exacerbate the difficulties inherent in inter-institutional bargaining by requiring that a larger number of different institutions participate in the policy-making process. When the partisan make-up of the various institutions differs bipartisan compromise can become a *requirement* of successful policy-making.

Proposition 3: Bipartisan and/or cross-party voting is more likely to occur in separation of powers systems with legislative and executive independence. This tendency will be increased by the existence of cross-cutting regional interests and/or a federal system.

To test the predictive accuracy of these three propositions we will first have to demonstrate that the broad environmental antecedents; separation of powers, executive independence, federalism and decentralized party control are present in both American and European cases. The first is true almost by definition but will be very briefly reviewed. The second merits further discussion and requires some additional effort to allow for fruitful comparisons of the political institutions. In particular, a closer examination of which EU institutions fulfill the legislative and executive functions is required before an accurate comparison can be made.

The Political and Institutional Environment in the USA and EU

The environmental institutional characteristics that interest us here are precisely those that are generally thought to differentiate the USA from the democracies of Western Europe. As a result there is little need to discuss in depth the existence of a separation of powers system, the independence of the executive and legislative branches, the presence of a federal system or the

decentralized character of American parties. However it will be helpful to simply briefly review the incarnation of these institutional characteristics in the American context.

Perhaps most fundamental of these is the separation of powers system. Separation in this context does not imply (as is sometimes assumed) isolation or autonomy, but rather “separate institutions that share functions so that these departments be so far connected and blended as to give each a constitutional control over the others” (Davidson and Oleszek, 2002: 20). There can be little doubt that the existing legislative process established formally by the Constitution, but also through norms and established practice, integrates all three actors.⁶ Initiatives must formally come from a member of the Congress but often are drafted by the executive. Both houses (a product of federalism, see below) must eventually agree on a common text, which then must be signed by the executive. Only qualified majorities in both chambers can override a formal presidential veto, and of course the Court has the power to reject any legislation that is deemed to be contrary to the Constitution. Thus, all three branches are integrally involved in the process, and none has sole jurisdiction or the ability to act unilaterally—the very definition of separation of powers.

Closely related to the separation of powers system is the independence of each branch from control or dismissal by the others (except in extreme cases). Individuals elected by the people can be removed only by those same people via an election except in the case of legal wrongdoing. Even then the removal of an elected representative from office is difficult and in the case of the President requires the collaboration of both houses of the Congress. In no case can a representative be removed on political grounds and there is no need for the executive to have the support or “confidence” of the legislature. Although this form of separation between the executive and the legislature is generally assumed to be a function of the presidential system, in fact presidentialism *per se* is not a necessary predecessor to executive independence or separation of powers systems, as we shall see.

Directly related to the independence of the legislative and executive branches is the decentralized character of American parties. While the Democratic and Republican parties both have a national organizational structure most activities are coordinated at the state and local level. The leaders of the Democratic and Republican National Committees (DNC and RNC) are not generally well known outside of the beltway and are certainly not politicians of national stature with broad public recognition as is the standard for European political parties. Regional and political differences within the political parties are often more significant than the differences between moderate members of either. From Southern Democrats to the Rainbow Coalition in the Democratic Party and the Moral Majority and Log Cabin Republicans the two main American parties are rife with internal divisions that find ample representation in the decentralized organizational structure of the national parties themselves. The established norm of running even presidential campaigns from the candidates’ home states rather than a central DC office is emblematic of this decentralization.

The final fundamental element of the American system is its federal character. The passage of the current Constitution moved the USA from a confederal to federal system in which basic powers are shared between the central and state governments. The relative balance of power between these two levels has shifted both gradually over time (towards the center) and more recently in response to shifts in economic and electoral realities back out toward the states in some arenas. Despite these fluctuations the fundamentally federal character of the American system cannot be denied. The federal nature of the American system also has a

direct impact on the institutions themselves visible most clearly in the bicameral structure of the legislature, but also, as stated above, in the character of the political parties.

Are these three crucial elements of the American system also present in institutional environment of the European Union today?⁷ While it is clear that the two political systems are very different, there are perhaps, a surprising number of similarities as regards these fundamental variables. Because the institutions of the EU are less well known than those of its American counterpart and because even among scholars the precise roles of the EU institutions is sometimes murky, it will be useful to pause here and give a brief description of the key institutions and their functional roles within the EU political system as a whole.⁸

The Core Political Institutions of the European Union

Two of the five institutions are relatively straightforward and require little clarification while the other three require a good deal more explanation (and their classification is more controversial). Beginning with the easiest, the **European Parliament** is without question a legislative institution. Its members (currently 626) are directly elected (since 1979) in the member states by proportional representation in simultaneous elections.⁹ The EP has the power to ratify the selection of the Commission President, the Commission as a whole and censure (impeach) the Commission as a whole. Additionally, it has the standard legislative powers of opinion, delay, amendment and veto (but not *direct* initiation see section three below). The EP must also ratify all international treaties (including accession treaties). It falls clearly into the category of what Polsby has termed “transformative” legislatures (Polsby, 1975).

The other relatively clear-cut institution is the **European Court of Justice (ECJ)**. The ECJ is similar to the American high court in many ways; it is guardian of the Treaties (functional constitution), which have direct effect upon citizens.¹⁰ Its judgments supersede national laws and it is the highest court of appeals. There are differences, for example the ECJ can give opinions to lower national courts directly and its members are appointed for only nine years and can be reappointed. On the whole, however, it is generally recognizable as a constitutional high court in the American tradition.

The three institutions that are more difficult to classify are the Council of Ministers, the European Council and the Commission. The first two are often mistakenly assumed to be a single institution, as we shall see it is imperative that they be treated distinctly despite the potential for overlapping membership in some cases and the comparatively recent formalization of the European Council.

The **Council of Ministers (CM)** consists of one representative from every member state (currently 15) meaning that Luxemburg (population 448,569) and Germany (population 83,251,851) have equal representation.¹¹ This representative is drawn from the current national executive. When the CM is meeting to discuss agriculture its members are the Agricultural Ministers of each of the member states, when meeting to discuss economic matters it is the Finance Ministers who meet. Thus, in reality there are a number of different CMs each consisting of the appropriate national minister for the policy area under discussion. The primary task of the CMs is to debate and decide on legislation. Since 1987 this has increasingly been done in collaboration with the EP under the cooperation, co-decision and now co-decision II legislative procedures.¹² Legislative decisions under the co-decision procedure often require conference committees between the CM and EP (called conciliation committees) to permit a common joint text of legislation to be adopted). In many ways the CM is reminiscent of the American Senate before the introduction of direct elections. Members

clearly represent the sub-units, are selected by the national legislatures and work with the popularly elected branch to draft and pass legislation. Although this interpretation of the CM as an extremely powerful second chamber is common, it is not uncontroversial.¹³

The **European Council** (EC) also consists of 15 members (one per member state) but is instead solely made up of the heads of government of the respective countries (prime ministers, chancellors etc.). Unlike the Council of Ministers the EC does not decide on specific legislation, its primary task is instead on deciding the general political initiatives of the EU and in particular all aspects of EU foreign and security policy (over which the EP has little or no say). The European Council is perhaps the most enigmatic and *sui generis* institution in the EU. It is clearly executive in nature, consisting of the leaders of the national executives and in charge of foreign policy and broad domestic agendas. However, despite there being a “president” there is no real internal hierarchy. The presidency rotates on a fixed biannual basis and most decisions require unanimity or at least constructive abstentionism. In this way the EC most closely resembles a much more influential version of the Swiss collective executive.

The final component of the institutional structure of the EU is the Commission. The Commission currently consists of twenty members appointed by the member states.¹⁴ The Commission is led by a President who is selected by the national leaders and confirmed by the EP (which also has the power to censure the Commission as a whole). The Commission is in charge of the initiation and implementation of all EU legislation. Both commonly thought of as executive functions. However the appointed and generally technocratic nature of the Commissioners as well as the norms of interaction between it and the other EU institutions requires that the “executive” character of the Commission be further refined. In effect, with its division into directorate generals and large staff of *functionnaires* the Commission most closely resembles the bureaucratic arm of the executive (as opposed to the political branch assumed by the EC). However it is an extremely powerful bureaucracy and unlike the US, once appointed, its members cannot be removed during their term (except for criminal actions or incapacity), however, they can fail to be reappointed once their five-year term is up.

With this very brief and admittedly superficial understanding of the primary institutions of the EU it is now possible to move forward to determine if the three key elements of separation of powers, executive-legislative independence and federalism are also present in the EU. It will then be possible to test the accuracy of the three propositions outlined in the first section in predicting the characteristics of the EP and compare it to the American House of Representatives.

The Institutional Structure of the European Union

Separation of powers is generally assumed to exist within a formal presidential system but the EU demonstrates that this is not necessary institutional element. Unlike the political system of the individual Member States, the European Union is based firmly on the notion of separation of powers. Even in the days of the Coal and Steel Community and the early European Economic Community the political institutions were wholly distinct allowing no overlapping membership (unlike parliamentary systems). The Council of Ministers, Commission, European Court of Justice and European Parliament are each selected through different means, representing different constituencies with unique powers. That said, as in the US, all of these institutions are integrally linked and the successful completion of the legislative process incorporates all of them to one extent or another. Thus, as in the American

case, effective cooperation between institutions in the policy process is a requirement of the broad structure of the political system itself.

The Commission must formally initiate all legislative proposals, although the EP and the CM can make requests. New proposals are sent to the EP and the CM, the EP conducts its first reading, makes any amendments it sees fit and sends the proposal back to the Commission. The Commission can adopt EP amendments or not and sends this (possibly amended) version of the proposal to the CM. The CM then votes on a common position, by qualified majority if simply accepting the (revised) Commission proposal or by unanimity if amending it. The common position is sent back to the EP, which then holds its second reading of the proposal. If amendments are made during the second reading the CM must adopt all of them or a conciliation (conference) committee is created. If a joint text can be agreed to within the conciliation committee it must then be confirmed by the full EP, if a joint text cannot be agreed to then the proposal fails. The full EP can reject a joint text by an absolute majority vote against.¹⁵

This rather complex procedure requires the participation of the Commission (initiation and amendments in the first round), the EP (amendments in the first and second round and ultimate adoption or rejection) and the CM (amendments in common position and conciliation procedure as well as ultimate adoption or rejection). If we view the Commission as the bureaucratic arm of the executive and the EP and CM as the two chambers of the legislature then (unlike in the US case) it is an agent of the executive that formally initiates legislation and the legislature that ultimately adopts it or rejects it. Despite this, the fundamental division of labor between different institutions with non-overlapping membership effectively creates a separation of powers system.¹⁶

The independence of the various institutions within the EU, while also different structurally than that which exists in the USA, fulfills the same fundamental purpose of insuring that the formal separation of powers is a functional reality. The members of the EP (since 1979) are directly elected on national lists in the member states. They cannot be dismissed (except in cases of legal wrong-doing or incapacity) except by the people through the normal electoral cycle.¹⁷ Likewise the EP cannot remove the members of the EC (or CM). They too are elected, albeit indirectly, at the national level (since they are members of the national Government) and can only be removed through political change at the national level not by the EP.¹⁸ As a result there is no need for a stable coalition supporting the "Government" within the EP as there is in all of the national parliaments. Thus, as in the US members are free to form coalitions on a vote-by-vote basis.

The Commission is somewhat different because of its appointed nature. Members, as noted above, are appointed by the European Council and confirmed by the EP. In addition, the EP formally has the power to censure the Commission, however, this has never been done and the only time it was seriously considered involved legal wrong-doing and criminal mismanagement (i.e. impeachment) not an ideological clash. It is also important to remember that although they are appointed, members of the Commission cannot be removed by the EC during their tenure, even when those who originally appointed them lose power at the national level and are replaced within the EC.

The role of political parties at the EU level is still very much in flux, but there can be little doubt the parties are currently quite decentralized. Members of the European Parliament are elected nationally, by proportional representation, from electoral lists generated by their *national* party leadership. However once they enter the EP they join supranational party

groups that do not mirror the domestic political parties with any precision. Although the major political party families of Europe are all represented at the European level (within the EP) they are essentially an amalgamation of over 100 national parties that gain representation in the EP into between eight and ten European level parties. Each of the EP party groups consists of between three and fifteen national delegations creating, even within the EP a decentralized system. The links between individual members, their EP party leadership and their national party leadership are complex, but the result is that there is no sense of absolute control over member voting behavior by any single leadership group. Each has a selection of potential benefits and sanctions and neither can unilaterally determine the fate of an MEP.¹⁹

The final environmental element to be discussed is the question of a federal system. Although not formally federal, the EU today functions as an effective federal system with results not dissimilar to the American case. As in the US case, EU law is supreme to national law. Political decisions taken at the center, often against the will of the leaders of one or more of the member states, must be implemented equally across the EU. Legislation on everything from car emissions standards, social policy, telecommunication networks and worker safety standards is decided at the supranational level. For the 12 members of the Euro-zone the litany also includes all monetary policy.

Clearly in the European case the sub-units, or Member States have a much greater claim to independent sovereignty than the American states had or have. With centuries of divergent histories that often include warring against one another; the differences between the Member States are more profound than those that separate the American states. But this should not dissuade us from comparing the two. Despite the fact that use of the "F" word in the European context remains quite controversial, from a functional standpoint there can be little doubt that the EU is effectively a federalist system in which a good deal of decision making authority resides at the center²⁰

Structurally the EU institutions, like those of the US include a method for representing the total population (the EP) as well as the individual sub-units (the CM and the EC). The supranational court is the highest court of the land and their decisions also override those that occur at the national level. Admittedly missing from the EU is a single, directly elected President that can effectively represent the entire population. Instead the EC remains a collegial executive based on the member states.²¹

What is distinct about the EU is the balance of powers between the two legislative chambers. While in the US the Senate and the House have distinct, but largely equal powers, in the EU the EP is unquestionably the junior member of the legislative partnership. There are still a number of policy areas that require only the consultation of the EP however, the unyielding expansion of the co-decision procedure²², which requires the assent of both, is gradually creating a more balanced relationship between the two chambers. Currently close to one-third of all legislation utilizes the cooperation or co-decision procedures, which grant the EP effective control over legislative outcomes.²³

Although the balance of powers is different in the EU and the US both face a similar dispersion of legislative power with the executive and both chambers sharing between them the powers of initiation, adoption and veto. The executive and the legislative branches are basically independent from each other and from the constraints imposed by a strongly centralized party system. Like the US, agreement between all three institutional actors is required in the EU for policy proposals to be successful. In Tsebelis' terms there are three primary institutional veto players in the legislative process in both cases (Tsebelis, 2002). In

both cases this dispersion of legislative power is largely a function of the separation of powers system, the independence of the different institutions that this implies and the existence of a Federal system that inspires bicameralism and variable coalitions based on regional interests and ideological beliefs about the general role of the central government.

The question now is whether the existence of a broadly similar environment has also led to the existence of broadly similar legislative institutions in terms of their relative legislative power, internal organizational structure and general patterns of coalition formation.

The US House of Representatives and European Parliament Compared

Once again, the situation in the House of Representatives is well established. The House, in conjunction with the Senate, clearly has significant legislative power, its committees are recognized as the most developed and influential in the democratic world and the frequent recourse to bipartisan voting is well established. The goal here is to explicitly compare the existence and significance of these same traits in the European Parliament to what exists in the house. While not definitively proving that the environmental structures are the causal mechanism for the development of this type of legislature, the existence of similar patterns in the EP case would certainly lend positive support to the thesis.

Perhaps the most significant characteristic of the European Parliament that remains misunderstood by many is its relative influence over legislative outcomes. Part of the reason for the continued undervaluation of EP influence is its comparative newness. When the EP was created it only a limited power of consultation, but over the years, and in particular since 1987 its powers have increased to also include delay, amendment and veto.²⁴ In other words the EP of today has a high level of “viscosity” (Blondel, 1970). The EP and has clearly moved beyond its humble origins as an “arena” type chamber of debate to become a functioning “transformative” legislature (Polsby, 1975).²⁵

This transformation, although encompassed by Proposition 1, is not necessary for its validity since the other legislative chamber of the EU, the Council of Ministers, has been the repository of legislative powers since the very beginning. In other words, while the significant increase in the EP’s legislative powers has helped to create a system more comparable to the US, it was not necessary to demonstrate the validity of Proposition 1 because the legislature already had significant control over the legislative process via the CM. That said, the recent increase in the influence of the EP has created a more balanced system and is noteworthy.

Understanding the relative legislative influence of the two chambers is difficult because legislative process of the EU is far more complex than that of most member states or the USA and includes a number of different legislative procedures each of which grant the EP a different level of influence and control.²⁶ While the relative balance of power between the EP and the CM has shifted over time to a more equal relationship, the unchanging fact is the relative power of the legislative branch to influence policy making. If anything, the bicameral legislature of the EU is even more powerful than the US Congress since the EU Executive (via the Commission), despite having the power of initiation has little ability to control what happens to a proposal after the process has begun. The Commission, unlike the US President, has no power of veto, cannot retract a proposal and there are few formal constraints potential amendments. The confusion over the role of the legislative branch in the EU is largely due to the common assumption that it consists of the EP alone. Despite the example of the German Bundesrat, another indirectly elected upper chamber appointed by state (Länder) level governments, many fail to think of the political system of the EU as bicameral.

It is worthwhile noting that on the whole the Commission and the EP have been more likely to cooperate than the EP and the CM. The traditional explanation for this is that both the EP and the Commission as “supranational” institutions agree more often than the “inter-governmental” CM. Another way to look at it would be to consider that the *ideological* make-up of the EP and Commission along the integration axis is more similar than either of them is to the staunchly nationalist CM (Kreppel and Tsebelis, 1999). This is broadly comparable to a divided Congress in the US case where one chamber and the President are allied against the other chamber (for example from 2000 to 2002). The end result is forced compromise or stagnation since the participation and cooperation of all three are required for policy to be successful.

Thus, in summary, as expected by Proposition 1 the legislative branch of the EU (the EP *and* CM) does wield effective legislative power as should be expected in a separation of powers system. Although initially the balance between the two chambers was extremely skewed in favor of the CM the trend, accelerating since 1987, has been toward the equalization of powers between the two branches. This is most true under the co-decision II procedure, which currently accounts for approximately one-third of all legislation considered by the EP.

The very real legislative influence wielded by the EP, as predicted by Proposition 2, has led to the creation of a strong and influential committee system.²⁷ The committees of the EP have existed since its creation, but their role and influence on the legislative process and in the internal workings of the EP as a whole have increased over time. There are currently 19 committees and a growing number of subcommittees which constitute its “legislative backbone” (Longley and Davidson, 1998:6). All legislative proposals, as well as resolutions and EP reports, are referred to committee *before* being debated on the floor. Each proposal is assigned to one committee with others able to give their opinion only. Committees engage in full deliberation and amendment of legislative proposals including calling expert witnesses, statements from members of the executive (Commission usually), independent collection of relevant information by committee staff. The full staff and resources of the EP committees while small compared to the USA are substantial compared to the resources of most national legislatures (Longley and Davidson, 1998).²⁸

Every proposal is assigned a *rapporteur* who is in charge of guiding it through the legislative process. This is based on the French system and functions almost as a kind of “mini-chair” for each proposal that goes through the committee process (i.e. legislative proposals as well as resolutions etc.). Increasingly often formal and informal meetings with relevant members of the CM and the Commission are held with the Rapporteur representing the committee and the EP. These informal inter-chamber meetings between the EP and CM are particularly common under the co-decision procedure, as conflict between the two chambers over amendments will force a meeting of the conciliation committee, while early agreement can lead to rapid adoption of proposals and successful completion of the legislative process.

Committee reports are distributed to all members at each stage of the process and when a proposal comes to the floor the basis of debate is the committee (Rapporteur’s) report. Amendments can be offered from the floor but only under certain significant constraints.²⁹ Committees additionally have limited informal gate-keeping power and as in the USA a relative monopoly of information and expertise. Unlike the US case, however there is no seniority system in the EP and members rarely sit on the same committee for extended periods of time. Chairman positions rotate every 2.5 years (as do all internal hierarchy positions) or

once mid-way through every legislative term. This leads to a greater reliance on the expertise of committee staff members who generally have a longer tenure.

The final characteristic discussed in section one involved the pattern of party voting within the legislature. Proposition 3 predicted that shifting coalitions and a tendency toward bi-partisan voting would occur frequently within a separation of powers systems with independent executives *and* that this trend would be exacerbated by the existence of significant regional differences and/or a federal political system. The logic behind the prediction is threefold. First, and most importantly an independent executive provides the institutional structure that allows variable coalitions to form on a vote-by-vote basis within the legislature without fear of destabilizing the executive, since this is, by definition, not dependent upon the confidence of the legislature to remain in office. As a result the need for party discipline within the legislature is reduced.³⁰

The freedom to vote across party lines becomes functionally significant only if there are motivations to do so. In a homogeneous society divided only along the traditional left-right spectrum we would still expect to see fairly strict partisan voting with little recourse to compromise or variable coalitions. However, when the capacity for cross-party voting is paired with cleavages that cut across party lines (e.g. regional interests) then this potential is likely to lead to a higher level of bi-partisan voting. This trend will be further increased if there is also the need to coordinate between institutions with diverse partisan majorities to complete the legislative process.

All of these elements are present in the EU (as in the American case). Both the bureaucratic and the political arms of the executive (Commission and EC) are functionally independent of the legislative branches (CM and EP). Although there are powers of impeachment (EP can impeach Commission) and appointment (CM appoints Commission), there is not the kind of *political* responsibility that one associates with a parliamentary (fused powers) system. There can be little doubt that there also exist very strong regional variations in the EU, not just between the sub-units individually, but also between the broader geographic regions (the industrial north versus agricultural south), and interests (poorer versus wealthier countries). The interests of the sub-units are directly represented in the CM (as in the American Senate) while the regional variations that cross member state lines must find representation within the EP.

The effective bicameral nature of the EU and the need to involve at least three if not four institutions in the legislative process also mirrors the American case. It is interesting to note that the EU also mimics America in the frequency of periods of “divided government” in which the ideological balance between the left and right within the EC and CM is at odds with the balance within the EP.³¹ This is the result of EP elections, often referred to as “mid-term second order elections” (Reif, 1984), which do not occur at the same time as national parliamentary elections (although this varies by country and across time).

The tendency to resort to bi-partisan voting follows a generally similar pattern in the American and European cases with Democrats and Republicans clearly opposing each other only an average of 54% of the time between 1980 and 1998 (Stanley and Niemi, 2000) and Socialists and Christian Democrats clearly in opposition to each other approximately 45% of the time between 1980 and 1996 in the European Parliament (Kreppel, 2002).³² In both cases “ideological opposition” occurred when the majority of the two parties voted against each other. These are relatively low numbers compared to most Western European Parliaments

where voting within the parliament is strictly along party lines according to the standard Government-Opposition dichotomy.³³

It should be noted that this similarity occurs despite the fact that the EU is a multi-party system and the US a clear two-party system. Within the EP (and the CM) the Socialists and the Christian Democrats are by far the largest parties, controlling close to 70% of the Seats in the EP and with one or the other participating in almost every national European Government.³⁴ The smaller parties of the left and right tend to follow the patterns established by the larger parties with the exception of the greens and the extreme groups on both sides. These parties tend to vote against many popular bi-partisan or cross-party initiatives. The centrist Liberal Democratic Group has fluctuated over time between a general preference for the Socialists or the Christian Democrats but generally votes with them when they vote together.

Thus, all three propositions based on the American Congressional (and especially House) experience also hold for the European (EP) case. In other words, in both political systems the three structural characteristics of separation of powers, independence of the executive and federalism (combined with weak or decentralized political parties) have, if not wholly caused, significantly facilitated the concomitant legislative characteristics of significant influence over policy outcomes, strong, well defined and active committees and a frequent tendency towards bi-partisan voting (or weak bi-lateral left-right party opposition). What does this tell us about the environmental structural determinants of legislative character? And why should we care?

Conclusions

While it is not possible to conclude absolutely that there is a causal relationship between the existence of a separation of powers system, executive independence and federalism and the presence of a legislature with effective policy-making power, strong committee system and tendency towards bi-partisan voting the comparisons made here certainly lend support to this thesis. This comparison is, in many ways, only an initial and tentative step toward fully understanding these relationships and others like them. Despite this caution, the conclusions derived should not be underestimated as they suggest the very real need to move away from traditional institutional classification schemes toward more in-depth analyses of the relationships between institutions.³⁵

To the casual observer the European Parliament and American House of Representatives could not be more different. In the general literature the EP is still often assumed to be a second class citizen, a legislature that could easily “be misconstrued as the EU equivalent of a national parliament” implying that it fails even that test of political significance (Dinan, 1999:267). At the same time the US House of Representatives is generally considered to be almost the definition of an “active” “transformative” and “viscous” legislature (Mezey, 1979; Polsby, 1975; Blondel 1970). And yet, when compared across three key characteristics the two legislatures appear to be surprisingly similar. These similarities, in relative legislative influence, internal organization and coalition behavior reflect the impact of the broader political structures on the character of the legislature.

To be fair, it is necessary to emphasize that part of the misconception of the European legislative branch is due to the common tendency to look only at the EP, which historically has been quite weak (although its internal characteristics have supported Propositions 2 and 3 throughout). To be precise we need to compare the House to the EP and the Congress to the EP *and* Council of Ministers in the European case. Even with this proviso, the tendency to

classify the institutions of the EU as *sui generis* and inappropriate for comparison has stunted our ability to understand the system as a whole and as a result the lessons that it may offer on the impact of general political structures on legislative character.

The general tendency to focus of comparisons between Presidential and Parliamentary systems has caused many to overlook *why* these classifications are significant. The difference between the direct election of a single executive leader by the people instead of the indirect election of a Prime Minister and Cabinet by the legislature is not the most important variation between the two types of systems. What is crucial, and what affects the role and character of the legislature is the implication of these different methods of executive selection on the nature of the relationship between the executive and the legislature, regardless of what these institutions are called. The same can be said for the existence (or lack thereof) of a formally federalist system. What matters for understanding institutional development and the relationships between and within institutions are not their formal titles or classification, but the functional allocation of power, roles and interests that shapes and constrains their interactions.

What a comparison of the American and European political systems demonstrates is that superficially dissimilar political systems may in fact be quite similar and that to understand one aspect of that system (the legislature) it is necessary to understand its relationship with the other institutions within the political system. By looking past the fact that EP is called a "parliament" and that the EU is clearly not a traditional presidential system to examine the institutional relationships between the legislative (EP and CM) and executive (EC and Commission) branches within the EU we can gain insight into the causal relationships between them. These relationships are well understood in relationship to the American Congress, the point to emphasize here is that they apply more generally and can help us to understand other systems and legislatures that appear, superficially, to be quite different.

ENDNOTES

¹ It is also interesting to remember the rest of the argument which states that “it must be acknowledged that this complicated check on legislation may in some instances be injurious as well as beneficial; and that the peculiar defense which it involves in favor of the smaller States, would be more rational, if any interests common to them, and distinct from those of the other States, would otherwise be exposed to peculiar danger” (Federalist 63). Here too the similarities with the EU are noteworthy

² Of course there is the additional constraint that the Supreme Court could find the actions (legislations) of the Congress to be unconstitutional and therefore void. Though not a common occurrence it certainly represents a very real constraint on the limits of the Congress’ authority.

³ The debate over the true role of the committees as accurate agents of the floor median serving to improve the efficacy of the whole through information exchanges versus groups of special interests using the prerogatives and powers of the committee structure to derive specialized benefits that are not in the interests of the floor median continues to be waged. For a good summary of the debate and the key arguments see the excellent volume edited by Kenneth Shepsle and Barry Weingast (1995).

⁴ More dire expectations are given in the so-called 90% rule, which holds that the executive initiates 90% of all legislation and that it is successful 90% of the time (Olson, 1994:84). In general that high water mark for Government bills has fallen to about the 80% level and in some cases even lower (Mattson, 1995).

⁵ The role of the committees in the British House of Commons has been gradually changing including some movement toward the establishment of permanent committees, although these are charged with executive oversight more than policy-making. See Norton, 1998 and Mattson and Strom, 1995 for additional information.

⁶ For example, although the President cannot formally initiate legislation norms of behavior have been established which effectively permit executive initiatives to be introduced within both chambers of Congress.

⁷ As with the USA the EU has changed substantially since its inception in terms of the inter-institutional relationships and even formal powers of the various institutions, although in the European case these changes have taken decades, not centuries. Perhaps more importantly the institutional structure of the EU is still a subject of debate i.e. the current constitutional convention.

⁸ It does not help matters any that three of the five primary institutions have names that give little indication of their true role, or that the institutions themselves are still in a state of development.

⁹ Although all elections occur at the same time more or less there are national variation in the number of days the polls are open that reflect national norms.

¹⁰ The notion of “direct effect” is not integral to the Treaties themselves but was asserted through rulings of the Court of Justice itself in the 1960s (see especially Van Gend V Loos, 1963).

¹¹ However, when using qualified majority voting the votes of the individual member states are weighted and range from 2 (Luxembourg) to 10 (Germany, France, UK and Italy), the over representation of the smaller member states remains noteworthy.

¹² These legislative procedures are painfully complex and have changed significantly over time in terms of their jurisdictions. For detailed information see Corbett, Jacobs and Shackleton, 2001.

¹³ A recent controversial editorial in the European Voice (a weekly newspaper devoted to EU politics published by the Economist) strongly suggested that the “Council of Ministers should concentrate on its role as a legislative power” while the Commission “formulated the common European interest as the European executive.” The absence of the European Council from this litany is emblematic of the confusion that exists over its role and separate identity from the Council of Ministers (Jo Leinen, 2002: 18). Reference to the CM as part of the legislative branch is also common within EP debates. See for example the comments of Mr. Malangre during the debates surrounding the rules revisions undertaken as a result of the Maastricht treaty OJC Annex No.3 434/43).

¹⁴ Currently France, the UK, Germany, Italy and Spain each appoint two Commissioners while all the other states appoint one. Upon enlargement to include the 10 new member states of Eastern and Central Europe in 2004 all member states will appoint just one Commissioner leading to a Commission of 25.

¹⁵ The legislative process described here refers to the co-decision II procedure established by the Amsterdam Treaty (1997). This is the procedure used for most significant EU legislation but there are other procedures that differ in complexity and the extent to which the EP plays an effective role. See Kreppel, 2002 and/or Corbett et al, 2001 for more details on the procedures and the variations between them.

¹⁶ As in the USA, the participation of the court in the legislative process is generally a sign of conflict between legislation (or more often in the EU, the legislative process) and the effective higher governing law (be it the Constitution or the Treaties).

¹⁷ It should be kept in mind that because the members of the EP are universally elected by proportional representation much of their electoral success depends on their placement on their parties' electoral lists. This does give the national parties (not the other EU institutions) a greater ability to control future electoral fortunes than you tend to have in plurality single member district elections.

¹⁸ This is generally through elections, but there is also the possibility for national Governments to fall in between elections in parliamentary systems because of a vote of no-confidence or even changes within their own parties.'

¹⁹ The party groups system of the EP is complex and very much still in the process of development. For additional information see Kreppel, 2002; Raunio, 1998; Hix, 1999.

²⁰ The relative balance of power between the sub-units and the EU level is defined by the notion of "subsidiary" as laid out in successive treaties since Maastricht. The basic principal is that all legislative and governing activity should be done at the lowest level at which it can be effectively and fairly accomplished.

²¹ It is interesting to note that one of the key proposals being discussed in the current constitutional convention is the possibility of establishing a directly elected leader along the lines of the American President. There is some confusion, however, over whether this person should become the President of the Commission or the President of the EC.

²² I am referring to the co-decision II procedure, is a reformed version of the co-decision I process, and the only one currently in effect.

²³ The difference between the two procedures remains a topic of much scholarly debate, in particular the extent of the EP's powers under the cooperation procedure. As this procedure is currently being largely replaced by the co-decision II procedure created by the Amsterdam Treaties this controversy is increasingly less important. See Tsebelis, 1994, 1997; Moser 1996; Scully 1997 and Kreppel, 2002 for more on this debate.

²⁴ The steady increase in EP powers is well documented, but somehow not popularly acknowledged yet. For details see Kreppel, 2002.

²⁵ Today, under the co-decision II procedure (which accounts for approximately one-third of the EP's legislative activities) the EP's amendments have a success rate of over 40% (Kreppel, 1999, 2002).

²⁶ The consultation procedure, originally the sole procedure in the old European Economic Community (EEC), grants the EP only limited powers of consultation (it can give its opinion) while initiation resides with the Commission and decision-making with the CM. Where an EP opinion is required by the treaties, the CM must wait for it before a final decision can be made, granting the EP the additional power of delay. The cooperation procedure, introduced by the Single European Act in 1987 granted the EP the additional ability to effectively amend legislation through "conditional agenda setting" based on the EP's ability to strategically make amendments that are easier for the CM to accept than reject (Tsebelis, 1994, 1996). The co-decision procedure, introduced by the Maastricht Treaty (1993) and reformed by the Amsterdam Treaty (1999-called co-decision II) grants the EP the additional power to definitively veto legislation and (with co-decision II) places the EP and the CM on essentially equal footing in the legislative process. There are additionally the assent and budget procedures. There have very restricted application and do not change the fundamental relations between institutions significantly. For more on these and all of the legislative procedures of the EU see Hix, 2000 and Corbett et al, 2001.

²⁷ I am focusing here on the committee structure of the EP because it is most similar to that of the US Congress. It should be noted however that the CM has its own somewhat unique committee structure that serves very similar purposes in its Committee of Permanent Representatives (generally referred to by its French acronym Coreper). The internal workings of Coreper are only now beginning to receive substantial scholarly attention but they are an extremely worthy topic. The power of the Coreper committees is substantial and in many ways far outstrips that of standard Congressional or EP committees. For additional information see Lewis, 1998, 2000 and Bostock, 2002.

²⁸ Every committee has between four and nine staff members dedicated to it full time as well as an addition three to five supporting staff members. In addition to this, the resources of the EP's archives, and research resources in Brussels and Luxembourg are at the disposal of all MEPs and staff members. There is a separate Directorate General for Committees, which also lends additional support staff. Lawrence Longley and Roger Davidson go so far as to suggest that the growing strength of the EP committees is actually inspiring the development of stronger committees among the parliaments of the member states (1998:6)

²⁹ For example all amendments must submitted in advance and generally require a minimum number of signatures. Interestingly the EP does not yet have any provisions for closed rules on regular legislation although it is used for all third readings (after conciliation) and under the Assent procedure. There is some discussion of also adding the

possibility for the closed rule in certain legislative situations. Friendly amendments can be made from the floor (with the committee Rapporteur's assent).

³⁰ This does not mean there is no party discipline or that parties are not important but simply that party discipline is not required to maintain a stable executive. On the importance of parties in the American presidential system see Cox and McCubbins, 1995.

³¹ The CM and the EC necessarily have the same ideological majority since they are both reflections of the ideological majorities within the member states.

³² In both cases the tendency toward ideologically driven left-right party voting has increased over the last 5-10 years. See especially Hix et al, 2002 for details on this phenomenon in the EP.

³³ Italy stands out as an exception here prior to 1988 when there was a norm of secret voting for most legislation allowing members to defect from unpopular coalition proposals without fear of retribution from party leadership.

³⁴ France stands out as an important exception because the Gaullist RPR (Chirac's party) has not joined the generally right of center Christian Democratic group in the European Parliament.

³⁵ This conclusion is not new or unique; George Tsebelis makes a very similar claim in his recent book on veto players (2002). But while that (much more fully developed) work focuses solely on the policy-making process this analysis examines inter-institutional relationships and character more generally.